

## **MINUTES SEASIDE PLANNING COMMISSION**

### **January 3, 2023**

**CALL TO ORDER:** Chair Montero called the regular meeting of the Seaside Planning Commission to order at 6:00 p.m.

#### **PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Commissioners present: Chairman Robin Montero, Vice Chair Kathy Kleczek, Lou Neubecker, Chris Rose, and Don Johnson. Staff present: Jeff Flory, Community Development Director, Jordan Sprague, Administrative Assistant, Anne McBride, Code Compliance Official. Absent: Brandon Kraft

**APPROVAL OF MINUTES:** December 6, 2022 minutes were adopted as written.

#### **INTRODUCTORY STATEMENTS**

This is the time duly advertised for the Seaside Planning Commission to hold its monthly meeting. Agenda items can be initiated by the general public, any legal property owner, Seaside City Council, City staff, and the Seaside Planning Commission.

Chair Montero asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There were none.

#### **PUBLIC HEARING PROCEDURES, EX PARTE CONTACTS, & CONFLICTS OF INTEREST:**

Chair Montero stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. She then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. There were none.

#### **AGENDA:**

##### **PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Chair Montero:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.
5. Electronic testimony can be submitted via Zoom using the meeting ID of 817-4719-0379.

##### **PUBLIC HEARING**

- A. 22-054CU:** A Conditional Use request by **Emmons Design, LLC** to convert the existing hotel into fifty-five (55) apartments. The project will provide fifty-two (52) studio and three (3) one-bedroom units. Up to 35% of the units will be affordable to lower-income residents within the Columbia Pacific Coordinated Care Organization (CPCCO) in coordination with Clatsop Behavioral Health and Clatsop Community Action to provide on-site care and services. The remaining units will be market rate units for CPCCO's network and healthcare workforce at **900 S Holladay Dr (T6-R10-S21DA TL: 6300 & 6400).**

Jeff Flory, Community Development Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Stuart Emmons, 1 12<sup>th</sup> St, Astoria, OR, and Ganesh Sonpatki, 415 SW Montgomery St, Portland, OR, introduced their associates sitting in the audience. Mr. Emmons stated that he was tasked with finding affordable housing and met with Mr. Sonpatki. Workforce housing is needed to support jobs and how hard it is to find housing in Clatsop County. The units will not be used for short term rentals and will be there for people needing housing. Mr. Emmons continued to state that this type of project is happening around the State. Kitchenettes will be installed in the rooms to convert them into studio and one-bedroom apartments. Mr. Sonpatki added that his private business was having issues with staff finding housing within the area.

Chair Montero asked if there was anybody else who would like to speak in favor. Pam Cooper, 1669 Laurel Dr, stated that there have been therapists and physicians turn down jobs because of the lack of housing within the area.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. Lori Evans, 870 S Holladay #4, stated that the Red Lion was in her back yard. The mailing that was sent out stated the units were going to be used for transitional housing for mental health and behavior health patients with on-site medical. Mr. Flory re-read the conditional use application's description for clarification. Ms. Evans asked if this housing was to be used for just workforce housing. Mr. Flory responded that up to 35% of the units will be used for low-income housing and the remaining units will be workforce housing. Ms. Evans asked who signs up the renters for the housing, and if the employee who is living within the unit leaves do they give up their unit as well.

Chair Montero asked if the applicant would like to rebut the opposition. Leslie Ford, 7106 SE 36<sup>th</sup> Ave, Portland, OR, stated that this project would be 1/3 low-income housing and 2/3 workforce housing. The low-income housing would be permanent long-term housing with supports assigned to the project.

Chair Montero asked if there was anybody else who would like to speak in opposition. Diana Rapp, 870 S Holladay Dr #7, stated that low-income housing is needed within the city but has concerns regarding the on-site services and having Clatsop Behavioral Health patients on-site. The neighborhood is not safe as it currently is and will be worse with this housing project. The property values will be lowered for the surrounding properties.

Chair Montero asked if there was anybody else who would like to speak in opposition. Sadie Taney, 870 S Holladay Dr #6 agreed with what Mrs. Rapp had stated and has concerns about the safety of the neighboring condos.

Chair Montero asked if there was anybody else who would like to speak in opposition. There were none.

Chair Montero asked if the applicant would like to rebut the opposition. Mr. Emmons stated the building is currently being used as a hotel. Mrs. Ford added that the low-income section of the units would be monitored and interacted with. The tenants would be screened before allowing to live on site and there is support staff on-site to help with safety concerns.

Chair Montero opened the discussion to the Commission. Vice Chair Kleczek asked the applicants to clarify how many units would be used for low-income. Mr. Emmons responded that 35% of the 55 units would come out 17.5 units, rounding down to 17 units, would be affordable housing. Vice Chair Kleczek asked if all of the affordable housing units would be receiving counseling and on-site care. Mrs. Ford responded that all tenants within the 17 to 18 low-income units would have the housing support staff available. Vice Chair Kleczek asked if the tenants that are within the low-

income units would stay within those units if their income increases or their living situations change. Ms. Ford responded that the property will be managed according to Fair Housing standards, so if a person's income or housing situation changes, they are allowed to stay within the unit. Vice Chair Kleczek asked if another unit would be made available for low-income if a tenant "graduated" from the required support. Ms. Ford stated that the tenant would be relocated to a workforce housing unit and the low-income unit would be made available. Vice Chair Kleczek asked how the units will be managed, what services will be provided, and where the funding was coming from to pay for the services. Ms. Ford responded that the services will be a permanent part of the project and are paid for through the CCO and are a part of the care services that are provided to the community. This project is an investment on the part of CareOregon and CPCCO. The ongoing funding will be supported by the rents of the housing units, with vouchers from CCO to help subsidize the rent for the deeply affordable units. Vice Chair Kleczek asked for an elaboration of the services that are proposed to be on-site. Ms. Ford responded that the support is housing support, which helps people improve their ability to pay bills, manage the unit, and all skills that are required to maintain residency in a rentable unit. Vice Chair Kleczek asked how tenants are selected for the low-income housing. Ms. Ford stated that each resident is determined on a case-by-case review and screening. Vice Chair Kleczek asked if this type of project has been started in Oregon and when did they start. Ms. Ford responded there is a 117-unit project, Albertina Kerr, in Portland. Vice Chair Kleczek asked if there will be staff on site to clean the tenants' rooms and if there is a common area and kitchen. Ms. Ford responded that since it is not a hotel, there will not be a turndown service. The building will be an apartment complex, so there will be a laundry facility on-site and will have a common area. Vice Chair Kleczek asked what the differences are for a hotel compared to an apartment. Mr. Emmons responded that there is a difference between the two and will be compliant with Chapter 11 and the Oregon Safety Code. Vice Chair Kleczek asked if EV charging stations will be included in the development. Mr. Emmons stated that the project hasn't been finalized with all improvements but will meet the State's requirements. Vice Chair Kleczek stated the condition regarding bicycle parking should include the word "secured" in the description. Mr. Emmons responded that the swimming pool area will be remodeled and could include a secure bicycle parking but the design of the interior isn't finalized at this time. Vice Chair Kleczek asked if the site's water service is capable of supporting long-term residents. Mr. Flory responded that the design had been reviewed by Public Works and the Fire Department. Chair Montero asked if there are medical services that are administered on site or if it was just housing support. Ms. Ford responded that supportive housing services will be administered on-site but medical services will be provided by their usual provider at their usual locations. Chair Montero suggested that 24-hour site management be provided. Commissioner Johnson stated that there have been many hotels that have changed to long-term residency, so this is not a new topic for the Commission. Commissioner Neubecker added that the converted hotels did not change their names and did not change their zoning. Chair Montero stated that within the C-3 zone, an outright permitted use is a residential facility, and the type of use for the 35% low-income units should be treated as such. Mr. Flory provided the definition of a residential facility requiring to be licensed by or under the authority of the Oregon Department of Human Resources. The level of care being offered does not rise to the level of need the DHS requirement. Vice Chair Kleczek asked if there was a way to condition the property to remain a long-term housing structure. Chair Montero stated that if the property were to be sold, the new owners could convert the property back to a hotel through a change of use permit through the City's Building Department. Mr. Flory added that a hotel or motel is an outright permitted use in the zone, and the only way to achieve what Vice Chair Kleczek is requesting is through a deed restriction of the property. Vice Chair Kleczek requested a deed restriction for a minimum of 35% low-income affordable housing. Mr. Sonpetki stated the property is already zoned for a hotel, and what the CPCCO is requesting is to remove it as a hotel. Adding limitation starts effecting the financial ability to underwrite any project. Vice Chair Kleczek stated that the wording of "up to 35%" could allow only one affordable unit. Chair Montero suggested the approval to read "a minimum of 35%" from "up to 35%." Mr. Sonpetki asked how the minimum would be achieved if the need is not met. Would this require the workforce housing to be lowered to meet the minimum percentage of low-income? Mr. Emmons agreed to the change of the wording from "up to" to "minimum." Vice Chair Kleczek asked if the affordable housing units were just for CPCCO employees or if they were available for any tenant. Ms. Ford responded that the housing is focused

on employees of the CPCCO's partners. Vice Chair Kleczek asked if the tenants would be removed if their employment status changed. Mrs. Ford responded that Fair Housing does not allow them to be evicted if their employment status changes. Commissioner Johnson asked if the name of the building would be changed. Mrs. Ford replied that it would but they are uncertain about the name at this time. Commissioner Neubecker motioned to conditionally approve 22-054CU with the altered conditions of condition one adding the term "secured" to the bicycle parking, add a condition to mirror the State law for new construction for EV charging parking, require 24 hour seven days a week on-site management, and altering the wording of the description to a minimum of 35% of the units be lower income residents. Vice Chair Kleczek seconded the motion. The motion passed unanimously with Commissioner Kraft absent.

**22-061VRD:** A conditional use request by **Nanette Schuster** for a one (1) bedroom Vacation Rental Dwelling with a maximum occupancy of three (3) persons over the age of three, no more than five (5) persons regardless of age. The property is located at **2216 S Downing St (T6-R10-S28BA-04500)** and is zoned **High Density Residential (R3)**.

Jeff Flory, Community Development Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Vincent Schuster, 2216 S Downing St, stated this property was his grandmother's house in the early 1960s and the property came up for sale. The house will be used for their retirement home and would like to use the house as a rental when not being used.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. Eric Rathmann, 2176 S Downing St, stated that this is the third property to apply for a vacation rental in their immediate vicinity. If this property were to be approved as a VRD, this would increase the density to 35%. Seaside states that it is a vacation community, and the Planning Commission does not want to have a social community. Mr. Rathmann added vacation rentals are lousy neighbors and the neighborhood stops becoming a neighborhood.

Chair Montero asked if there was anybody else who would like to speak in opposition. There were none.

Chair Montero offered the applicant a chance to rebut the opposition. Mr. Schuster did not rebut.

Chair Montero opened the discussion to the Commission. Vice Chair Kleczek stated her concern regarding calculating density for this application because approving this VRD would increase the density to over 30%. Mr. Flory responded that the applicant's property is not used to calculate density, only the properties within 100 feet of the applicant's property. Chair Montero seconded Vice Chair Kleczek's concern, stating approving this application would push the density to 35%. There are requirements in the International Residential Code that defines how large a bedroom must be, and this building does not meet that requirement. Chair Montero suggested a reduction of the occupancy to a maximum of three (3) people regardless of age. Commissioner Neubecker asked if the density could be changed to a maximum of four (4) people regardless of age and only two (2) persons over the age of three (3). Chair Montero responded that the property has the parking but the house does not have the space. Commissioner Johnson asked Mr. Flory if the justifications in the staff report were written that this property falls below the 30% density. Mr. Flory responded that they were written on the city has calculated density and this property falls below 30%. Chair Montero added that the property currently does, without the applicant's approval. Mr. Flory corrected Chair Montero that the applicant's property does not get calculated in the density calculation. Commissioner Johnson asked for clarification if this application was within the ordinance and policy. Mr. Flory confirmed that it was. Commissioner Johnson motioned to approve 22-061VRD with the condition the maximum occupancy was reduced to three (3) persons

maximum regardless of age. Commissioner Neubecker seconded the motion. The motion passed 3-2 with Chair Montero and Vice Chair Kleczek voting no and Commissioner Kraft absent.

#### **ORDINANCE ADMINISTRATION**

Mr. Flory stated land use applications will be made available through the City's website.

#### **OTHER BUSINESS**

Election of Officer: Chair Montero opened the nominations for Planning Commission Chairperson and Vice Chairperson. Commissioner Neubecker nominated Commissioner Montero for Chairperson and Commissioner Kleczek for Vice Chairperson. Commissioner Johnson seconded the motion. The motion passed unanimously with Commissioner Kraft absent.

#### **COMMENTS FROM THE PUBLIC**

There were none.

#### **COMMENTS FROM COMMISSION/STAFF**

Commissioner Neubecker asked for a follow up for the affordable housing project next to the Red Lion. Mr. Flory responded that the conditional use approval expired because plans for the new use have not been submitted to the city for review. Vice Chair Kleczek asked for an update on the Cross Creek housing project. Mr. Flory responded that the project was moving forward with plans being submitted and reviewed. Chair Montero stated that there was a vacancy on the Planning Commission. Mr. Flory stated that Commissioner Johnson requested staff to determine if the applicant for the Avenue S storage facility could be required to pay for sidewalks. This was not standard practice for the Public Works department, and if the Commission would like to require applicants to pay for sidewalks, in this special circumstance, it would have to be approved through the City Manager, City Council, and the City Attorney. Vice Chair Kleczek requested this conversation to be had between the Commission and City Council. Mr. Flory added that staff is requiring applicants to meet sidewalk requirements on VRD applications per Public Works.

**ADJOURNMENT:** Adjourned at 7:26 PM.

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Robin Montero, Chairman

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Jordan Sprague, Admin. Assistant.